

Appendix 2

FILED

OCT 11 2017

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO

CENTRAL DIVISION – UNLIMITED CIVIL CASE

TED SWITZER;) Case No: 11 CE CG 04395 MWS

Plaintiff,) **SPECIAL VERDICT**

v.)

FLOURNOY MANAGEMENT, LLC, et. al.;)

Defendants.)

And Related Cross-Actions)

///)

//)

/)

Switzer v. Flournoy Management, LLC, et al.

Case No. 11 CE CG 04395

SPECIAL VERDICT

PART I

Cross-Complaint of Ted Switzer (Direct Claims of Mr. Switzer)

A. Please answer the following questions regarding cross-complainant Ted Switzer's claim for breach of contract:

1. Did Mr. Switzer and Mr. Wood enter into a partnership contract?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section B of this verdict form.

2. Did Mr. Switzer do all, or substantially all, of the significant things that the contract required him to do or was his performance excused?

Yes _____ No _____

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and proceed to section B of this verdict form.

3. Did Mr. Wood fail to do something that the contract required him to do, or did he do something that the contract prohibited him from doing?

Yes No

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and proceed to section B of this verdict form.

4. Was Mr. Switzer harmed?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and proceed to section B of this verdict form.

5. Was Mr. Wood's breach of contract a substantial factor in causing Mr. Switzer's harm?

Yes No

B. Please answer the following questions regarding cross-complainant Ted Switzer's claim for intentional misrepresentation:

1. Did cross-defendant Mr. Wood make a false representation of a material fact to Mr. Switzer?

Yes No

1 Did cross-defendant Access Medical make a false representation of a material fact
2 to Mr. Switzer?

3 Yes _____ No

4 If your answer to question 1 is yes as to either cross-defendant, then answer question 2 for
5 that/those cross-defendant(s). If you answered no to both parts of question 1, stop here,
6 answer no further questions, and proceed to section C of this verdict form.

7 2. Did Mr. Wood know that the representation was false, or did he make the
representation recklessly and without regard for its truth?

8 Yes _____ No

9 Did the Access Medical know that the representation was false, or did it make the
representation recklessly and without regard for its truth?

10 Yes _____ No

11 If your answer to question 2 is yes as to either cross-defendant, then answer
12 question 3 for that/those cross-defendant(s). If you answered no to both parts of
13 question 2, stop here, answer no further questions, and proceed to section C of this
14 verdict form.

15 3. Did Mr. Wood intend that Mr. Switzer rely on the representation?

16 Yes _____ No

17 Did Access Medical intend that Mr. Switzer rely on the representation?

18 Yes _____ No

19 If your answer to question 3 is yes as to either cross-defendant, then answer
question 4 for that/those cross-defendant(s). If you answered no to both parts of
20 question 3, stop here, answer no further questions, and proceed to section C of this
verdict form

21 4. Did Mr. Switzer reasonably rely on the representation of Mr. Wood?

22 Yes _____ No

23 Did Mr. Switzer reasonably rely on the representation of Access
24 Medical?

25 Yes _____ No

If your answer to question 4 is yes as to either cross-defendant, then answer question 5 for that/those cross-defendant(s). If you answered no to both parts of question 4, stop here, answer no further questions, and proceed to section C of this verdict form

5. Was Mr. Switzer's reliance on Mr. Wood's representation a substantial factor in causing harm to Mr. Switzer?

Yes _____ No

Was Mr. Switzer's reliance on Access Medical's representation a substantial factor in causing harm to Mr. Switzer?

Yes _____ No

C. Please answer the following questions regarding cross-complainant Ted Switzer's claim for concealment:

1. Were Mr. Wood and Mr. Switzer partners?

Yes _____ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section D of this verdict form.

2. Did Mr. Wood intentionally fail to disclose certain facts to Mr. Switzer that Mr. Switzer did not know and that Mr. Switzer could not reasonably have discovered?

Yes _____ No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and proceed to section D of this verdict form.

3. Did Mr. Switzer know of the concealed facts?

_____ Yes No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and proceed to section D of this verdict form.

4. Did Mr. Wood intend to deceive Mr. Switzer by concealing the facts?

Yes _____ No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and proceed to section D of this verdict form.

5. If the omitted information ^{had} been disclosed, would Mr. Switzer reasonably have behaved differently?

Yes _____ No

If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and proceed to section D of this verdict form.

6. Was Mr. Switzer harmed by the concealment?

Yes _____ No

If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and proceed to section D of this verdict form.

7. Was Mr. Wood's concealment a substantial factor in causing Mr. Switzer's harm?

Yes _____ No

D. Please answer the following questions regarding cross-complainant Ted Switzer's claim for breach of fiduciary duty:

1. Was Mr. Wood the partner of Mr. Switzer?

Yes _____ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section E of this verdict form.

1 2. Did Mr. Wood fail to act as a reasonably careful partner would have acted under
2 the same or similar circumstances?

3 Yes No

4 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here,
4 answer no further questions, and proceed to section E of this verdict form.

5 3. Was Mr. Switzer harmed?

6 Yes No

7 If your answer to question 3 is yes, then answer question 4. If you answered no, stop here,
7 answer no further questions, and proceed to section E of this verdict form.

8 4. Was Mr. Wood's conduct ~~was~~ a substantial factor in causing Mr. Switzer's harm.

9 Yes No

10 E. Please answer the following questions regarding cross-complainant Ted
11 Switzer's claim for breach of fiduciary duty of undivided loyalty:

12 1. Was Mr. Wood the partner of Mr. Switzer?

13 Yes No

14 If your answer to question 1 is yes, then answer question 2. If you answered no, stop here,
14 answer no further questions, and proceed to section F of this verdict form.

15 2. Did Mr. Wood knowingly act against Mr. Switzer's interests in connection with
16 the income pooling partnership agreement or act on behalf of a party whose interests were
17 adverse to Mr. Switzer in connection with the income pooling partnership agreement?

18 Yes No

19 If your answer to question 2 is yes, then answer question 3. If you answered no, stop here,
20 answer no further questions, and proceed to section F of this verdict form.

21 3. Did Mr. Switzer give informed consent to Mr. Wood's conduct?

22 Yes No

23 If your answer to question 3 is no, then answer question 4. If you answered yes, stop here,
23 answer no further questions, and proceed to section F of this verdict form.

24 4. Was Mr. Switzer harmed?

25 Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and proceed to section F of this verdict form.

5. Was Mr. Wood's conduct ~~was~~ a substantial factor in causing Mr. Switzer's harm.

Yes _____ No

F. Please answer the following questions regarding cross-complainant Ted Switzer's claim for conversion:

1. Did Mr. Switzer own or have a right to possess spinal implants?

Yes _____ No

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section G of this verdict form.

2. Did cross-defendant Mr. Wood substantially interfere with Mr. Switzer's property by knowingly or intentionally taking possession of or preventing Mr. Switzer from having access to the spinal implants or by refusing to return Mr. Switzer's spinal implants after Mr. Switzer demanded their return?

Yes _____ No

Did cross-defendant Access Medical substantially interfere with Mr. Switzer's property by knowingly or intentionally taking possession of or preventing Mr. Switzer from having access to the spinal implants or by refusing to return Mr. Switzer's spinal implants after Mr. Switzer demanded their return?

Yes _____ No

If your answer to question 2 is yes as to either cross-defendant, then answer question 3 for that cross-defendant. If you answered no to both parts of question 2, stop here, answer no further questions, and proceed to section G of this verdict form.

3. Did Mr. Switzer consent to the taking by Mr. Wood and, if so, was the consent obtained without any fraud on the part of Mr. Wood?

_____ Yes _____ No

Did Mr. Switzer consent to the taking by Access Medical and, if so, was the consent obtained without fraud on the part of Access Medical?

_____ Yes _____ No

If your answer to question 3 is no as to either cross-defendant, then answer question 4 for that cross-defendant. If you answered yes to both parts of question 3, stop here, answer no further questions, and proceed to section G of this verdict form.

4. Was Mr. Switzer harmed?

X Yes _____ No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and proceed to section G of this verdict form.

5. Was Mr. Wood's conduct a substantial factor in causing Mr. Switzer's harm?

X Yes _____ No

Was Access Medical's conduct a substantial factor in causing Mr. Switzer's harm?

X Yes _____ No

If your answer to question 5 is yes as to either cross-defendant, then answer question 6 for that cross-defendant. If you answered no to both parts of question 5, stop here, answer no further questions, and proceed to section G of this verdict form.

6. On what date were the spinal implants converted by Mr. Wood?

9/7/2011

On what date were the spinal implants converted by Access Medical?

9/7/2011

7. What was the value of the spinal implants converted by Mr. Wood on the date of the conversion?

\$ 513,083.00

What was the value of the spinal implants converted by Access Medical on the date of the conversion?

\$ 513,083.00

///

///

1 **G. Please answer the following questions regarding cross-complainant Ted
2 Switzer's claim for negligence:**

3 1. Was Mr. Wood negligent?

4 _____ Yes _____ No

5 Was Access Medical negligent?

6 _____ Yes _____ No

7 If you answered yes for any cross-defendant in question 1, then answer question 2 for that
8 cross-defendant. If you answered no for all cross-defendants in question 1, stop here,
9 answer no further questions, and proceed to section H of this verdict form.

10 2. Was the negligence of Mr. Wood a substantial factor in causing harm to Mr.
11 Switzer?

12 _____ Yes _____ No

13 Was the negligence of Access Medical a substantial factor in causing harm to Mr.
14 Switzer?

15 _____ Yes _____ No

16 **H. Please answer the following questions regarding cross-complainant Ted
17 Switzer's claim for violation of Penal Code § 496:**

18 1. Did Mr. Wood obtain by theft property belonging to Mr. Switzer or
19 conceal or withhold or aid in concealing or withholding such property from Mr.
20 Switzer?

21 _____ Yes _____ No

22 Did Access Medical obtain by theft property belonging to Mr. Switzer or
23 conceal or withhold or aid in concealing or withholding such property from Mr.
24 Switzer?

25 _____ Yes _____ No

26 If you answered yes for any cross-defendant in question 1, then answer question 2 for
27 that cross-defendant. If you answered no for all cross-defendants in question 1, stop here,
28 answer no further questions, and proceed to Part II of this verdict form.

1 2. Did Mr. Wood know the property was obtained by theft at the time he
2 received, withheld, concealed, aided in concealing or withholding the property from Mr.
3 Switzer?
4

Yes _____ No

5 6 Did Access Medical know the property was obtained by theft at the time it
received, withheld, concealed, aided in concealing or withholding the property from Mr.
7 Switzer?
8

Yes _____ No

9 If you answered yes for any cross-defendant in question 2, then answer question 3 for that
10 cross-defendant. If you answered no for all cross-defendants in question 2, stop here,
11 answer no further questions, and proceed to Part II of this verdict form.

12 3. Did Mr. Wood's violation of Penal Code section 496, subdivision (a), cause Mr.
13 Switzer to suffer injury, damage, loss or harm?
14

Yes _____ No

15 Did Access Medical's violation of Penal Code section 496, subdivision (a), cause
16 Mr. Switzer to suffer injury, damage, loss or harm?
17

Yes _____ No

18 If you answered yes for any cross-defendant in question 3, then answer question 4 for that
19 cross-defendant. If you answered no for all cross-defendants in question 3, stop here,
20 answer no further questions, and proceed to Part II of this verdict form.

21 4. What is the amount of Mr. Switzer's actual damages caused by Mr. Wood's
22 violation of Penal Code section 496, subdivision (a)?
23

\$ 1,289,165.00

24 What is the amount of Mr. Switzer's actual damages caused by Access Medical's
25 violation of Penal Code section 496, subdivision (a)?
26

\$ 1,289,165.00

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///

PART II

Cross-Complaint of Ted Switzer (Claims for the Benefit of Flournoy)

I. Please answer the following questions regarding cross-complainant Ted Switzer's claim for the benefit of Flournoy for concealment:

1. Was Mr. Wood was the sole manager of Flournoy?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section J of this verdict form.

2. Did Mr. Wood intentionally fail to disclose certain facts to Flournoy and Flournoy's non-managing member, Mr. Switzer?

Yes No

If your answer to question 2 is yes, then answer question 3. If you answered no, stop here, answer no further questions, and proceed to section J of this verdict form.

3. Did Flournoy and Mr. Switzer know of the concealed facts?

Yes No

If your answer to question 3 is no, then answer question 4. If you answered yes, stop here, answer no further questions, and proceed to section J of this verdict form.

4. Did Mr. Wood intend to deceive Flounoy and Mr. Switzer by concealing the facts?

Yes No

If your answer to question 4 is yes, then answer question 5. If you answered no, stop here, answer no further questions, and proceed to section J of this verdict form.

5. If the omitted information had been disclosed, would Flournoy and Mr. Switzer reasonably have behaved differently?

Yes _____ No _____

If your answer to question 5 is yes, then answer question 6. If you answered no, stop here, answer no further questions, and proceed to section J of this verdict form.

6. Was Flounoy harmed?

Yes No

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If your answer to question 6 is yes, then answer question 7. If you answered no, stop here, answer no further questions, and proceed to section J of this verdict form.

7. Was Mr. Wood's concealment a substantial factor in causing Flournoy's harm?

Yes _____ No _____

J. Please answer the following questions regarding cross-complainant Ted Switzer's claim for the benefit of Flournoy for breach of manager's duty:

1. Was Mr. Wood ~~the~~ the sole manager of Flournoy?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to section K of this verdict form.

2. Did Mr. Wood act in good faith toward Flournoy at all times in the performance of the duties and obligations required of him while acting as Flournoy's manager?

_____ Yes No 3

If your answer to question 2 is no, then answer question X. If you answered yes, stop here, answer no further questions, and proceed to section K of this verdict form.

3. Was Flournoy harmed by Mr. Wood's failure to act in good faith in the performance of the duties and obligations required of him while acting as Flournoy's manager?

Yes _____ No _____

If your answer to question 3 is yes, then answer question 4. If you answered no, stop here, answer no further questions, and proceed to section K of this verdict form.

4. Was Mr. Wood's failure to act in good faith in the performance of the duties and obligations required of him while acting as Flournoy's manager a substantial factor in causing Flournoy's harm?

Yes _____ No _____

K. Please answer the following questions regarding cross-complainant Ted Switzer's claim for the benefit of Flournoy for negligence:

1. Was Mr. Wood negligent?

Yes _____ No _____

Was Access Medical negligent?

Yes _____ No _____

If you answered yes for any cross-defendant in question 1, then answer question 2 for that cross-defendant. If you answered no for all cross-defendants in question 1, stop here, answer no further questions, and proceed to section L of this verdict form.

2. Was the negligence of Mr. Wood a substantial factor in causing harm to Flournoy?

Yes _____ No _____

Was the negligence of Access Medical a substantial factor in causing harm to Flournoy?

Yes _____ No _____

L. Please answer the following questions regarding cross-complainant Ted Switzer's claim for the benefit of Flournoy for violation of Penal Code §496:

1. Did Mr. Wood obtain by theft property belonging to Flournoy or conceal or withhold or aid in concealing or withholding such property from Flournoy?

Yes _____ No _____

Did Access Medical obtain by theft property belonging to Flournoy or conceal or withhold or aid in concealing or withholding such property from Flournoy?

Yes _____ No _____

If you answered yes for any cross-defendant in question 1, then answer question 2 for that cross-defendant. If you answered no for all cross-defendants in question 1, stop here, answer no further questions, and proceed to Part III of this verdict form.

2. Did Mr. Wood know the property was obtained by theft at the time he received, withheld, concealed, aided in concealing or withholding the property from Flournoy?

Yes _____ No _____

Did Access Medical know the property was obtained by theft at the time it received, withheld, concealed, aided in concealing or withholding the property from Flournoy?

Yes _____ No _____

If you answered yes for any cross-defendant in question 2, then answer question 3 for that cross-defendant. If you answered no for all cross-defendants in question 2, stop here, answer no further questions, and proceed to Part III of this verdict form.

3. Did Mr. Wood's violation of Penal Code section 496, subdivision (a), cause Flournoy to suffer injury, damage, loss or harm?

Yes _____ No _____

Did Access Medical's violation of Penal Code section 496, subdivision (a), cause Flournoy to suffer injury, damage, loss or harm?

Yes _____ No _____

If you answered yes for any cross-defendant in question 3, then answer question 4 for that cross-defendant. If you answered no for all cross-defendants in question 3, stop here, answer no further questions, and proceed to Part III of this verdict form.

4. What is the amount of Flournoy's actual damages caused by Mr. Wood's violation of Penal Code section 496, subdivision (a)?

\$ 401,232.00

What is the amount of Flournoy's actual damages caused by Access Medical's violation of Penal Code section 496, subdivision (a)?

\$ 401,232.00

PART III

Cross-Complaint of Robert Clark "Sonny" Wood, II

M. Please answer the following questions regarding cross-complainant Robert Clark "Sonny" Wood, II's claim for money lent:

1. Did Mr. Wood receive a valid assignment of Aramat Group, LLC's claim regarding a loan made to Omega Solutions?

Yes _____ No _____

If your answer to question 1 is yes, then answer question 2. If you answered no, stop here, answer no further questions, and proceed to Part IV of this verdict form.

2. Did Aramat Group, LLC loan money to Ted Switzer at his request?

Yes _____ No _____

1 Did Aramat Group, LLC loan money to Dixie Switzer at her request?

2 _____ Yes No

3 Did Aramat Group, LLC loan money to Switzer Medical, Inc. at its request?

4 _____ Yes No

5 Did Aramat Group, LLC loan money to Epsilon Distribution I, LLC at its request?

6 _____ Yes No

7 Did Aramat Group, LLC loan money to Charlie Medical, LLC at its request?

8 Yes _____ No

9 If you answered yes for any cross-defendant in question 2, then answer question 3 for that
10 cross-defendant. If you answered no for all cross-defendants in question 2, stop here,
11 answer no further questions, and proceed to Part IV of this verdict form.

12 3. What is the amount of money that Aramat Group, LLC lent to Ted Switzer at his
13 request?

14 \$ _____

15 What is the amount of money that Aramat Group, LLC lent to Dixie Switzer at
16 her request?

17 \$ _____

18 What is the amount of money that Aramat Group, LLC lent to Switzer Medical,
19 Inc. at its request?

20 \$ _____

21 What is the amount of money that Aramat Group, LLC lent to Epsilon
22 Distribution I, LLC at its request?

23 \$ 190,000.00

24 4. Was the money lent by Aramat Group, LLC to Ted Switzer at his request paid
25 back to Aramat Group?

26 _____ Yes _____ No

1 Was the money lent by Aramat Group, LLC to Dixie Switzer at her request paid
2 back to Aramat Group?

3 _____ Yes _____ No

4 Was the money lent by Aramat Group, LLC to Switzer Medical, Inc. at its request
5 paid back to Aramat Group?

6 _____ Yes _____ No

7 Was the money lent by Aramat Group, LLC to Epsilon Distribution I, LLC at its
8 request paid back to Aramat Group?

9 _____ Yes _____ No

10 Was the money lent by Aramat Group, LLC to Charlie Medical, LLC at its request
11 paid back to Aramat Group?

12 _____ X Yes _____ No

13 If you answered no for any cross-defendant in question 4, then answer question 5 for that
14 cross-defendant. If you answered yes for all cross-defendants in question 4, stop here,
15 answer no further questions, and proceed to Part IV of this verdict form.

16 5. What amount of the money lent by Aramat Group, LLC to Ted Switzer at his
17 request has not been paid back to Aramat Group?

18 \$ _____

19 What amount of the money lent by Aramat Group, LLC to Dixie Switzer at her request
20 has not been paid back to Aramat Group?

21 \$ _____

22 What amount of the money lent by Aramat Group, LLC to Switzer Medical, Inc. at its
23 request has not been paid back to Aramat Group?

24 \$ _____

25 What amount of the money lent by Aramat Group, LLC to Epsilon Distribution I, LLC at
26 its request has not been paid back to Aramat Group?

27 \$ _____

28 What amount of the money lent by Aramat Group, LLC to Charlie Medical, LLC at its
29 request has not been paid back to Aramat Group?

30 \$ _____

PART IV

Damages

N. Please answer the following questions regarding the claims of Ted Switzer:

Triggering Questions for Question 1: Question 5 in Section F.

Instructions for Question 1: If your answer to Question 5 of Section F is NO or BLANK then go to Question 2 in this Section. If your answer to this Question 5 of Section F is YES, then answer Question 1 in this Section.

1. If you found that there was a conversion of spinal implants, what are Mr. Switzer's damages for conversion of spinal implants?

Value of the implants at the time of conversion: \$ 513,083.00

Lost profits from sales of the implants: \$ 513,033.00

Prejudgment interest: \$ 64,732.00

[Go to Question 2.](#)

Question 2 Triggering Questions: Question 5 in Section A, Question 5 in Section B, Question 7 in Section C, Question 5 in Section D, Question 5 in Section E, Question 3 in Section G, Question 3 in Section H.

Instructions for Question 2: If your answer to each of the above Triggering Questions is NO or BLANK then go to Section O. If your answer to any of these Triggering Questions is YES, then answer Question 2.

2. What are Mr. Switzer's damages for his other claims?

Unreimbursed expenses: \$ 293,904.67

Lost profits for sales made during
the partnership period in 2011: \$ 318,666.00

Value of spinal implants (if you did not find a conversion of the implants): \$ N/A

Lost profits from the sales of the implants (if you did not find a conversion of the implants):

Prejudgment interest: \$ 77,283.00

If Mr. Switzer's damages are \$0, go to Section P. If Mr. Switzer's damages are greater than \$0 then go to Question 3.

3. If you find that Ted Switzer suffered damages, do you further find by clear and convincing evidence that Robert Clark "Sonny" Wood, II acted with malice, fraud or oppression as those terms are defined in the instructions provided to you?

Yes _____ No _____

[Go to Question 4.](#)

4. If you find that Ted Switzer suffered damages, do you further find by clear and convincing evidence that Access Medical acted with malice, fraud or oppression as those terms are defined in the instructions provided to you?

Yes _____ No _____

Go to Section O.

1 **O. Please answer the following questions regarding the claims of Ted Switzer
2 made for the benefit of Flournoy:**

3 **Triggering Questions for Question 1:** Question 7 in Section I, Question 4 in Section J,
4 Question 2 in Section K, Question 3 in Section L.

5 **Instructions for Question 1:** If your answer to each of the above Triggering Questions is NO or
6 BLANK then go to Section P. If your answer to any of these Triggering Questions is YES, then
7 answer Question 2.

8 1. What are Flournoy's damages?

9 Profits from sales at Santa Barbara Cottage Hospital
10 and University Hospital, Augusta after August 15, 2011

11 and through December 31, 2011:

12 \$ 401,232.00

13 Prejudgment interest:

14 \$ 50,620.00

15 If Flournoy's damages are \$0, go to Section P. If Flournoy's damages are greater than \$0, then
16 go to Question 2.

17 2. Shall Flournoy's damages include costs and attorney's fees, in an amount
18 to be calculated by the Court after judgment, for which Flournoy will become
19 responsible in the records inspection action filed by Mr. Switzer and in the
20 cross-action filed by Flournoy against Ted Switzer, Dixie Switzer, Jean Holmes
21 and others.

22 _____ Yes _____ No

23 Go to Question 3.

24 3. If you find that Flournoy suffered damages, do you further find by clear and
25 convincing evidence that Robert Clark "Sonny" Wood, II acted with malice, fraud or
26 oppression as those terms are defined in the instructions provided to you?

27 _____ Yes _____ No

28 Go to Question 4.

29 Correction
30 Q6.

1 4. If you find that Flournoy suffered damages, do you further find by clear and
2 convincing evidence that Access Medical acted with malice, fraud or oppression as those
3 terms are defined in the instructions provided to you?

4 Yes

5 No

6 OUR ANSWER
7 IS YES

8 Go to Section P.

9 P. Please answer the following questions regarding the claims of Mr. Wood:

10 Triggering Questions for Question 1: Question 5 in Section M.

11 1. What are Mr. Wood's damages?

12 Money lent and not repaid: \$ _____

13 Signed: J. A., Presiding Juror

14 Dated: 10/11, 2017

15 AFTER THIS VERDICT FORM HAS BEEN COMPLETED, DATED AND
16 SIGNED BY THE PRESIDING JUROR, PLEASE NOTIFY THE BAILIFF
17 THAT YOU ARE READY TO PRESENT YOUR VERDICT IN THE
18 COURTROOM.